

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint and petition by)	
Lee County Electric Cooperative, Inc.)	Docket No. 981827-EC
For an investigation of the rate structure)	
of Seminole Electric Cooperative, Inc.)	
	/	

LCEC'S RESPONSE TO SEMINOLE'S PRELIMINARY OBJECTIONS TO LCEC'S FIRST SET OF INTERROGATORIES

LEE COUNTY ELECTRIC COOPERATIVE, INC. ("LCEC"), hereby responds to SEMINOLE ELECTRIC COOPERATIVE, INC.'S ("Seminole"'s) Preliminary Objections To LCEC's First Set of Interrogatories.

1. LCEC does not take issue with Seminole's General Objections.
2. LCEC disagrees with Seminole's specific objection to the second sentence of Interrogatory No. 3 on the grounds that it is overbroad and unduly burdensome. The second sentence of Interrogatory No. 3 is specific and narrowly drawn in that it asks Seminole to explain and reconcile any differences in the billing units identified in response to the interrogatory and those contained in documents produced by Seminole in response to LCEC's First Request for Production of Documents.
3. Seminole's specific objection to Interrogatory Nos. 7 and 8 is improper. Neither the Florida Rules of Civil Procedure nor the Uniform Rules of Administrative Procedure provide for an objection to discovery on the basis of an alleged inconsistency between the discovery request and an agency's other procedures. Moreover, Interrogatory Nos. 7 and 8 are not inconsistent with the Florida Public Service Commission's (the

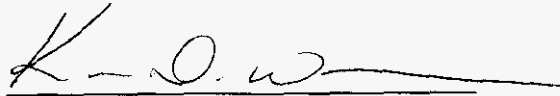
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"Commission"s) procedures. These interrogatories are standard interrogatories used in civil and administrative litigation that ask Seminole to identify, to the extent known, the fact and expert witnesses that it expects to call as witnesses at hearing and the substance of such witnesses' testimony. Seminole will be free to, and in fact will be obligated to, update its responses to these interrogatories to the extent that the information in the responses changes as this proceeding progresses.

4. Seminole's specific objection to Interrogatory No 9 (other than its objection based on the work product privilege) is improper. Neither the Florida Rules of Civil Procedure nor the Uniform Rules of Administrative Procedure provide for an objection to discovery on the basis of an alleged inconsistency between the discovery request and the agency's other procedures. Moreover, Interrogatory Nos. 9 is not inconsistent with the Commission's procedures. This interrogatory is a standard interrogatory used in civil and administrative litigation that asks Seminole to identify, to the extent known, the documents that it intends to introduce into evidence at the hearing. Seminole will be free to, and in fact will be obligated to, update its response to this interrogatory to the extent that the information in the response changes as this proceeding progresses.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by hand delivery to Richard Melson, Hopping, Green, Sams & Smith, P.A., Post Office Box 6526, Tallahassee, Florida; and William Cochran Keating, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and by United States Mail to Robert A. Mora, Allen Law Firm, Post Office Box 2111, Tampa, Florida 33601; and Timothy Woodbury, Seminole Electric Cooperative, Inc., Post Office Box 272000, Tampa, Florida 33688 all on this 2nd day of June, 2000.



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